IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.8775 OF 2005

Fatima Nazmuddin Atthar .. Petitioner

Vs.

Aminabau Hasanbhai Vora & Ors. ..Respondents

Mr.A.G.Damale i/b Mr.S.S.Gawde for the petitioner

Mr.Chatuphale for respondent no.2 to 9

CORAM : S.U.KAMDAR, J
DATED : 22ND DECEMBER, 2005

P.C.:

1. The present petition challenges the order dt.16.11.05 which is passed pending the appeal arising on Ex.5 application before the Trial Court. Ex.5 application was for statusquo order.

2. The learned trial court has rejected the application for status quo and an appeal therefrom is pending before District Judge. The learned Judge of the appeal court has rejected interim application in pending appeal which was also moved for status quo. In my opinion, the order passed cannot be interfered with because no order of status quo could be granted unless appeal is heard

on merits. However, since appeal is only against interim order I direct the Appeal court to dispose of the pending appeal on or before 28.2.2006. Petition is disposed of accordingly No order as to costs.